

Date: August 11, 2008

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Kevin T. Foley

Application No.: 10/734,161

For: METHODS FOR PERCUTANEOUS SURGERY

Filed: December 15, 2003

Group Art Unit: 3738

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants' hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 11, 2008, of the Primary Examiner finally rejecting claims 1-8.

The item(s) checked below are appropriate.

1. ☒ A Petition for a 3 month extension of time to respond to the final rejection, together with the \$ 1050.00 extension fee under 37 C.F.R. §1.17, is being filed concurrently herewith.
2. ☐ A Petition for an additional _____ month extension of time to take further action, together with the \$ _____ extension fee under 37 C.F.R. §1.17, was filed on _____.
3. ☒ Fee \$510.00 is being paid electronically.
☐ Fee \$255.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
☐ Enclosed
☐ Not required (fee paid in prior appeal)
☐ Charge to Deposit Account No. 06-1205 (One additional copy of this Notice enclosed herewith)

4. ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205.
5. ☒ Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

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